

AMENDED IN ASSEMBLY JANUARY 28, 2003

AMENDED IN ASSEMBLY JANUARY 23, 2003

CALIFORNIA LEGISLATURE—2003–04 FIRST EXTRAORDINARY SESSION

ASSEMBLY BILL

No. 12

Introduced by Assembly Member Oropeza

January 23, 2003

An act ~~relating to public education~~ to amend Sections 2933 and 13603 of the Penal Code, relating to corrections.

LEGISLATIVE COUNSEL'S DIGEST

AB 12, as amended, Oropeza. Reductions in the Budget Act of 2002 relating to ~~public education~~ corrections.

(1) *Under existing law, certain prisoners in state prison may earn reductions in the time served for performance in work assignments or in elementary, high school, or vocational education programs, by which they may receive 6 months of credit for every 6 months of full-time performance in a qualifying program, as designated by the Director of Corrections. Existing law provides that less than maximum credit should be awarded to prisoners not assigned to a full-time program.*

This bill would require that prisoners be awarded credits, including credits for time spent waiting for an appropriate work assignment or for participation in an educational program, starting on the day of arrival at a state institution. It would eliminate the requirement that participation in a qualifying program be on a full-time basis to be eligible for the maximum reduction.

(2) *Under existing law, certain prisoners in state prison enrolled in a 2- or 4-year college program leading to a degree may receive a 4-month credit for each 8 months served.*

This bill would provide that those prisoners may receive 6 months of credit for each 6 months of performance in a 2- or 4-year college program.

(3) *Existing law requires the Department of Corrections to provide 16 weeks of training at the department's training academy.*

This bill would authorize cadets to be sworn in as correctional peace officers after 12 weeks of training at the academy and require 4 weeks of training at the institution where the cadet is assigned, if an agreement is reached between the department and the bargaining unit for the correctional peace officers, with approval of the Commission on Peace Officer Standards and Training, as specified.

~~This bill would express the intent of the Legislature to implement reductions in the Budget Act of 2002 relating to public education programs.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. To alleviate the shortfall of state revenues in the~~
2 ~~2002-03 fiscal year, it is the intent of the Legislature to implement~~
3 ~~reductions in the Budget Act of 2002 with regard to public~~
4 ~~education programs.~~

5 *SECTION 1. Section 2933 of the Penal Code is amended to*
6 *read:*

7 2933. (a) It is the intent of the Legislature that persons
8 convicted of a crime and sentenced to the state prison under
9 Section 1170 serve the entire sentence imposed by the court,
10 except for a reduction in the time served in the custody of the
11 Director of Corrections for performance in work, training, or
12 education programs established by the ~~Director of Corrections~~
13 *director, or for time spent waiting for assignment to or*
14 *participation in those programs. Worktime*

15 (1) *Worktime credits shall apply be provided for performance*
16 *in work assignments and; for performance in elementary, high*
17 *school, or vocational education, or two- or four-year college*

programs; and for the time prisoners wait for an appropriate work assignment or for participation in an educational program.

(2) A prisoner shall earn worktime credits, including credits for time spent waiting for an appropriate work assignment or for participation in an educational program, starting on the day of arrival at a state institution. Credits may not be earned during any period of time a prisoner refuses to perform in an appropriate work assignment or educational program. ~~Enrollment in a two- or four-year college program leading to a degree shall result in the application of time credits equal to that provided in Section 2931. For every six months of full-time performance in a credit qualifying program, as designated by the director, a prisoner shall be awarded worktime credit reductions from his or her term of confinement of six months. A lesser amount of credit based on this ratio shall be awarded for any lesser period of continuous performance. Less than maximum credit should be awarded pursuant to regulations adopted by the director for prisoners not assigned to a full-time credit qualifying program. Every prisoner who refuses to accept a full-time credit qualifying assignment or who is denied the opportunity to earn worktime credits pursuant to subdivision (a) of Section 2932 shall be awarded no worktime credit reduction. Every prisoner who voluntarily accepts a half-time credit qualifying assignment in lieu of a full-time assignment shall be awarded worktime credit reductions from his or her term of confinement of three months for each six-month period of continued performance. Except as provided in subdivision (a) of Section 2932, every prisoner willing to participate in a full-time credit qualifying assignment but who is either not assigned to a full-time assignment or is assigned to a program for less than full time, shall receive no less credit than is provided under Section 2931. Under no circumstances shall any prisoner receive more than six months' credit reduction for any six-month period under this section.~~

(b) Worktime credit is a privilege, not a right. Worktime credit must be earned *pursuant to subdivision (a)* and may be forfeited pursuant to the provisions of Section 2932. The application of credit to reduce the sentence of a prisoner who committed a crime on or after January 1, 1997, is subject to the provisions of Section 3067. Except as provided in subdivision (a) of Section 2932, every prisoner shall have a reasonable opportunity to participate in a

1 full-time credit qualifying assignment in a manner consistent with
2 institutional security and available resources.

3 (c) Under regulations adopted by the Department of
4 Corrections, which shall require a period of not more than one year
5 free of disciplinary infractions, worktime credit which has been
6 previously forfeited may be restored by the director. The
7 regulations shall provide for separate classifications of serious
8 disciplinary infractions as they relate to restoration of credits, the
9 time period required before forfeited credits or a portion thereof
10 may be restored, and the percentage of forfeited credits that may
11 be restored for these time periods. For credits forfeited for
12 commission of a felony specified in paragraph (1) of subdivision
13 (a) of Section 2932, the Department of Corrections may provide
14 that up to 180 days of lost credit shall not be restored and up to 90
15 days of credit shall not be restored for a forfeiture resulting from
16 conspiracy or attempts to commit one of those acts. No credits may
17 be restored if they were forfeited for a serious disciplinary
18 infraction in which the victim died or was permanently disabled.
19 Upon application of the prisoner and following completion of the
20 required time period free of disciplinary offenses, forfeited credits
21 eligible for restoration under the regulations for disciplinary
22 offenses other than serious disciplinary infractions punishable by
23 a credit loss of more than 90 days shall be restored unless, at a
24 hearing, it is found that the prisoner refused to accept or failed to
25 perform in a credit qualifying assignment, or extraordinary
26 circumstances are present that require that credits not be restored.
27 “Extraordinary circumstances” shall be defined in the regulations
28 adopted by the director. However, in any case in which worktime
29 credit was forfeited for a serious disciplinary infraction punishable
30 by a credit loss of more than 90 days, restoration of credit shall be
31 at the discretion of the director.

32 The prisoner may appeal the finding through the Department of
33 Corrections review procedure, which shall include a review by an
34 individual independent of the institution who has supervisory
35 authority over the institution.

36 (d) The provisions of subdivision (c) shall also apply in cases
37 of credit forfeited under Section 2931 for offenses and serious
38 disciplinary infractions occurring on or after January 1, 1983.

39 *SEC. 2. Section 13603 of the Penal Code is amended to read:*

13603. (a) The Department of Corrections and the Department of the Youth Authority shall provide 16 weeks of training to each correctional peace officer cadet. ~~This~~ *Except as provided by subdivision (b), this training shall be completed by the cadet prior to his or her assignment to a post or position as a correctional peace officer.*

(b) If an agreement is reached between the Department of Corrections and the bargaining unit for the correctional peace officers that this subdivision shall apply, and with the approval of the Commission on Correctional Peace Officer Standards and Training on how to implement the on-the-job training requirements of the subdivision, the Department of Corrections shall provide a total of 16 weeks of training to each correctional peace officer cadet as follows:

(1) Twelve weeks of the training shall be at the department's training academy. Cadets shall be sworn in as correctional peace officers upon the completion of this initial 12 weeks.

(2) Four weeks shall be at the institution where the cadet is assigned to a post or position.

(c) The Department of Corrections and the Department of the Youth Authority shall provide a minimum of two weeks of training to each newly appointed first line supervisor.